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10/803,123

03/18/2004

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EXAMINER

NGUYEN, THUY-VI THI

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,123	<b>Applicant(s)</b> YASUNAGA, MASARU	
	<b>Examiner</b> THUY VI NGUYEN	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/18/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAED ACTION**

1. This action is in response to applicant's communication on 03/18/04, wherein claims 1-23 are currently pending.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on March, 18, 2004 have been considered. Initialed copies of the 1449 Forms are enclosed herewith.

### ***Claim Objections***

3. Dep. Claim 22 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 20-21. See MPEP § 608.01(n). Accordingly, the claim 22 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1, 3, and 6** is rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9

(1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to independent claim 1, dep. claims 3 and 6, the claims language recite as "*instructing to deliver a component, notifying the repair worker, receiving an input, referencing map data, retrieving a route*" do not include the required tie or transformation and thus are directed to nonstatutory subject matter.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-9, 12-17, 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Milman (US 6,898,435).

**As for independent claim 1**, Milman discloses a repair worker/technician assisting method for assisting a repair worker/technician who visits a customer's residence to perform maintenance of equipment [abstract], the method comprising:

instructing to deliver a component for replacement upon receiving a request from the customer [...i.e. *ordering hardware, software or equipment items for delivery*

*to the customer location, the supplier then ships the hardware or other item(s) to the customer address; col. 3, lines 34-50; col. 6, lines 65-67; col. 7, lines 1 -11; figure 2 (step 40, 42 and 57)], and*

notifying the repair worker that a repair work is ready to start upon having accepted the customer's payment for the component [...i.e. *technician receive a service calls from central dispatch office (col. 3, lines 6-19) and figure 1; software that can be downed loaded electronically to the customer site, customer is automatically billed for the ordering software at the same time and in the same manner as for the technician's repair services (col. 3, lines 44-49) and figure 2*];

**As for claim 3**, Milman discloses

receiving an input of address data of the customer's residence [...*a screen with customer name, address; col. 3, lines 50-56; col. 6, lines 14-21; figures 5-6*];

referencing map data containing a position of a station located for each area [...i.e. *classified the service calls by geographical zone so that technicians within the any respective geographical zone will be presented with the service call; col. 6, lines 28-35*]; and

extracting an appropriate station based on the address data [col. 6, lines 28-48; col. 7, lines 57-67; and figures 2 and 4].

**As for claim 4**, Milman discloses:

receiving an instruction for dispatching a repair worker from a server that assists dispatch of a repair worker who performs a maintenance task [...i.e.

*technician is instructed to dispatch to customer location; col. 3, lines 20-50; col. 5, lines 52-61; figure 1; abstract].*

when the instruction for dispatching the repair worker is issued from the server, referencing a database that serves to manage a current location of the repair worker [...Milman inherently show a database that serves to manage a repair worker's location; i.e. *classified the service calls by geographical zone so that technicians within the any respective geographical zone will be presented with the service call*; col. 6, lines 28-35];

extracting an appropriate repair worker based on address data of a customer's residence to be visited [...i.e. *technicians within the any respective geographical zone will be presented with the service call*; col. 6, lines 28-35; col. 9, lines 12-25];

and notifying a mobile apparatus owned by the repair worker of a dispatch instruction [col. 5, lines 52-61; col. 6, lines 35-58 and figures 1 (hand held unit 26), figures 5-6].

**As for claim 5**, Milman discloses:

receiving an instruction for dispatching a repair worker from the server [figure 1; abstract];

referencing a database that serves to manage a scheduled visit number for each repair worker and the assigned number of repair workers for each area [...*number of available technicians can accept the service call assignment to clear the customer equipment problem*; col. 4, lines 12-21; figure 18 and figure 22 (col. 9, lines 60-67)]; ; and

calculating an average number of visits in charge per repair worker from the scheduled visit number for repair workers and the assigned number of workers for each area to issue a dispatch instruction in order from the repair workers in an area with a small average number of visits in charge per repair worker [...*one-hour on –site technician repair service and billing information*; col. 4, lines 51-56; col. 7, lines 12-17 and figures 2 (generate cost data 56), figures 9-10].

**As for claim 6**, Milman discloses retrieving a route to the customer's residence in a chronological order for the visit time [figures 5-6].

**As for claim 7**, Milman discloses issuing from an apparatus of the repair worker an instruction for requesting an adjacent station to issue a dispatch instruction [...*instruct for reaching the customer location*; col. 7, lines 57-67; col. 8, lines 1-9 and figure 4].

**As for claim 8**, Milman discloses receiving a sudden request for on-site repair from a customer [figure 2]; referencing a database storing a schedule assigned to each repair worker [...Milman inherently discloses a database, i.e. *storing a resulting list of service calls, technician selects the service calls on the handheld device*; col. 4, lines 29-43]; and extracting a repair worker having much time left in his/her schedule based on data stored in the database [col. 4, lines 29-43]

**As for claim 9**, Milman discloses reconstructing the schedule of on-site service assigned to the extracted repair worker based on a destination location and a visit date and time [col. 7, lines 27-35].

**As for independent 12**, which has the same limitations as in dep. as claim 4, it is rejected for the same reasons set forth in the rejection of dep. claim 4 above.

**As for dep. claims 13-17**, which have the same limitations as in dep. claims 5-9, they are rejected for the same reasons set forth in the rejection of dep. claims 5-9 above.

**As for independent claim 19**, which is basically an apparatus carry out the method of (part of dep. claims 4 and 5 above), it is rejected for the same reasons set forth in the rejections of dep. claims 4-5 above.

**As for dep. claim 20**, which is basically an apparatus carry out the method of claim 5 above, it is rejected for the same reasons set forth in the rejections of dep. claims 5 above.

**As for dep. claim 21**, which is basically an apparatus carry out the method of claim 6 above, it is rejected for the same reasons set forth in the rejection of dep. claim 6 above.

**As for dep. claim 22**, which is basically an apparatus carry out the method of claim 8 above, it is rejected for the same reasons set forth in the rejection of dep. claim 8 above.

**As for dep. claim 23**, which is basically an apparatus carry out the method of claim 9 above, it is rejected for the same reasons set forth in the rejection of dep. claim 9 above.



***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 10-11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milman (US 6,898,435).

**As for independent claim 2**, Milman discloses a repair worker assisting method comprising:

receiving repair content data inputted from an apparatus of a customer [...i.e. *receiving a service request from customer's computer (20)*; col. 2, lines 55-60; col. 6, lines 1-21; figures 1-2];

calculating a repair fee based on the repair content data [...i.e. *the invoicing functionality (30) generates a customer invoice for the particular service call and technician service time*; col. 7, lines 11-16; figure 1 (element 30) and figure 2 (step 56)];

judging whether or claim a repair component is necessary based on the repair content data [...i.e. *if replacement equipment , parts, or software are needed or necessary then request from a third party equipment supplier to ships a repair component or equipment to the customer address*; co. 6, lines 59-67; col. 7, lines 1-8; figure 2 (steps 54 and 57)];

upon judging that the repair component is necessary in the preceding step, notifying an apparatus on a side of a deliverer who delivers the repair component of an instruction for delivering the repair component to the customer [...*notify or request from the third party provider to ship the requested equipment to the customer*; col. 7, lines 1-8; figure 2, steps 54-57; col. 8, lines 24-28 and figure 10)];

Milman discloses ordering and delivering the equipment to the customer, if the customer needs to order the software component, then the software can be delivered by downloading electronically to the customer site (col. 3, lines 34-349; col. 7, lines 1-8).

However Milman does not expressly discloses receiving a notification of completion of delivery from the deliverer.

The examiner notes that receiving a notification of completion of delivery is common, old and well known in the art to ensure the customer of a complete job. Therefore, it is obvious to one of ordinary skill in the art to receive the notification or receipt or confirmation information when ordering or purchasing the items or product or software/hardware component for effective communication between parties.

upon receiving the notification, notifying the apparatus of the customer of billing of the repair fee [...i.e. *billing screen displaying customer charges for completed work, inform customer of the charges to appear on an associated invoice;* (col. 3, lines 56-67); *billing information* (col. 4, lines 54-56; col. 7, lines 12-27) and figures 2, 14-15];

receiving a notification of completion of payment from an apparatus on a side of the financial institute [...i.e. *send the customer invoice information directly to a financial institution* (32); col. 7, lines 12-27 and figures 1, 14-15; col. 8, lines 35-50]; and

upon receiving the notification of completion of payment, instructing to dispatch a repair worker to the customer's residence [...i.e. *technician is instructed to dispatch to customer location;* col. 3, lines 20-50; col. 5, lines 52-61; figure 1; abstract].

**As for independent method claim 10 and apparatus claim 18**, which are basically a storage medium storing and an apparatus carry out the method claim 2 above, they are rejected over the storage medium and apparatus of Milman used in the rejection of claim 2 above.

**As for dep. 11**, Milman discloses:

receiving an input of address data of the customer's residence [...*a screen with customer name, address;* col. 3, lines 50-56; col. 6, lines 14-21; figures 5-6];

referencing map data containing a position of a station located for each area [...i.e. *classified the service calls by geographical zone so that technicians within the*

*any respective geographical zone will be presented with the service call*; col. 6, lines 28-35]; and

extracting an appropriate station based on the address data [col. 6, lines 28-48; col. 7, lines 57-67; and figures 2 and 4].

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. The US Patent Application Publication to Edinger et al discloses a customer support management system and method resolves both hardware and software problems using a single business model, and to Segawa et al. discloses a repair component is specified based on repair request information including at least failure information of product to be repaired and a desired repair fee.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689